British Columbia
Human Rights Commission

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Chief Commissioner Report
Strategic Plan Update
Commission Mandate

Moving Forward Together

Mary-Woo Sims Chief Commissioner

When people think of the B.C. Human Rights Commission, the discussion often focuses on the *B.C. Human Rights Code.* While it is an essential and empowering piece of legislation, it's important to always remember that the Commission's work is about much more than words on a legal document. In essence, the Commission is making every effort possible to improve lives, enhance relationships between individuals and, ultimately, make B.C. a better and safer place to live – goals it cannot achieve alone.

The Commission's 1999/2000 efforts focused on building partnerships with groups and representatives from all sectors, people who know their specific communities and, more importantly, know the social barriers they face on a daily basis.

"Any notion that the Commission's staff of 50 people can eliminate discrimination by themselves has to be dispelled," comments Chief Commissioner Mary-Woo Sims. "Creating a better society is a process that every individual in B.C. needs to take responsibility for and participate in."

The need for the involvement of individuals and organizations at every level was one of the main reasons behind the Commission's *A Call for Action: Combatting Hate in British Columbia,* a report that outlines the steps necessary to eliminate hate crimes in the province. Released in November, the report also includes suggested changes to the *Canadian Criminal Code*, the *B.C. Human Rights Code* and libel laws. Most importantly, the report provides the steps individuals can take in their own communities.

There is an emphasis on individuals and communities because that is where real change has to begin (something the Commission staff tries to include in each of its strategies). Another key ingredient is understanding the issues and experiences of people living in communities across the province, a primary purpose for the Commission's public opinion survey that was released in December of 1999. The survey revealed many useful statistics about British Columbians' perceptions and experiences of discrimination – and that 76 per cent of all respondents said the Human Rights Commission is "very important to B.C."

This high level of support is something that Sims, Deputy Chief Commissioner Harinder Mahil and Commissioner of Investigation and Mediation Mary Beeching aim to build on as they continue to establish partnerships with community groups. Aboriginal groups, employers and seniors were some of the many British Columbians with whom the Commission built bridges in 1999/2000.

Although strengthening human rights through education and partnerships are effective human rights strategies, litigation is an integral part of the Commission's work. The court cases of the past year were many and notable, especially the landmark Meiorin case – the story of a firefighter who lost her job fighting forest fires because she could not pass a fitness test designed for men (see "Meiorin," page 2). While Meiorin's rights as a woman are protected in the *B.C. Human Rights Code*, Sims says more work needs to be done to ensure the rights of other disadvantaged members of society are protected, including transgendered persons and people living in poverty. Two years ago, the Commission made formal recommendations to the government of B.C. on this issue. To date, these recommendations have not been acted on.

Investigations and legal actions aside, the Commission believes it can have its greatest impact through prevention and education. Sims warns, for example, that when a community experiences difficult economic times, there is usually an increased level of discrimination against minority groups. But by working with employers and business associations, the Commission hopes to prevent discrimination through education.

"The Commission needs to focus on prevention rather than dealing with the aftermath," Sims says. "We are working to educate all British Columbians about their rights and responsibilities."

It is this emphasis on working with individuals, as well as private and public organizations, that will allow B.C. to eliminate the barriers that stop people from enjoying universal rights and freedoms, no matter who they are or where they live. By concentrating on achieving this vision, the Commission can continue to improve the living and working conditions of people regardless of race, religion, sexual orientation, or any other ground of discrimination. Through partnerships, education and taking personal responsibility, the people of British Columbia can move forward. Together.

Strategic Plan Update

Providing a vision for the future – not just of an organization, but of a society. That was the purpose of the B.C. Human Rights Commission's 1998-2003 Strategic Plan.

The Strategic Plan outlines the steps necessary to create a society where everyone takes responsibility for preventing and eliminating discrimination, and where all members of the society are treated with dignity and respect. Removing barriers to full participation in every facet of society, expanding avenues for resolving human rights disputes, stimulating community human rights initiatives and raising awareness of human rights and responsibilities are all goals of the ambitious plan.

The plan defines specific program areas, including the Compliance Program, the Public Interest Program, the Education and Communication Program, and the Corporate Services Program. As well, it provides 20 Critical Success Indicators, including a 50 per cent increase in youth understanding of human rights, a 100 per cent reduction in racial barriers to employment and increasing the number of workplaces with anti-harassment policies to 100 per cent.

In preparing the Strategic Plan, the Commission determined that success could only be achieved through community partnerships. Two years later, Commission staff are undertaking a review of the plan to see if the goals are still within reach.

"It's time to re-evaluate and see if we are achieving the progress necessary to attain the goals by 2003," Chief Commissioner Mary-Woo Sims explains. "And we need to remember the Commission can't improve human rights by itself. It's only by working with other groups – ranging from individuals to governments – that we can eliminate discrimination."

is to investigate and mediate
complaints of discrimination,
to educate the public about their
rights and responsibilities under
the *B.C. Human Rights Code*, and
to promote understanding and
compliance with the *Code*

Hate Crimes Prompt Call for Action

It begins with stereotyping and name-calling. It can end in murder.

Hate crime and hate activity reports are increasing in B.C., as are the efforts of the Commission to fight hate by encouraging governments and communities to take the steps necessary to create a society that welcomes and is safe for everyone.

On November 16, the UNESCO International Day for Tolerance, the Commission released *A Call for Action: Combatting Hate in British Columbia.* The report illustrates how youth are targeted by hate groups and asks people to increase pressure on governments and communities to put fighting hate at the top of their priority list.

Specifically, the report recommends that the amendments put forward by the Federal/Provincial/Territorial Working Group on Diversity, Equality and Justice be adopted by the federal minister of justice. The amendments include:

- making possession of hate propaganda with the intention of promoting hatred a crime;
- allowing the seizure of computer hard drives that contain hate propaganda;
- including computer disks, hard drives and the Internet within the law's definition of "public place" and "possession";
- establishing a definition of hatred that applies to all provinces; and
- expanding the list of identifiable groups in the *Criminal Code* to include national origin, language, sex, age, mental or physical ability, sexual orientation or any other similar factor.

The Commission also added three of its own amendments, recommending that:

- clarification of provisions regarding hate as an aggravating factor be considered in sentencing;
- defence of religious belief be modified to ensure hatred is not being perpetrated under the guise of religion; and
- hate convictions be shown on criminal records.

The Report also outlines ways to use existing libel laws, the *B.C. Human Rights Code* and the *Civil Rights Protection Act* to combat people or organizations that promote hate.

Finally, *A Call for Action* puts the responsibility for combatting hate squarely on the shoulders of the communities themselves. When people work together to take a stand against hate and discrimination, it sends a strong message that this behaviour is not acceptable and has no place in their community. With a united approach, people can make a difference.

Community Partnerships: making contact

To truly make a difference, the Commission needs to work with as many groups as possible. By working in partnership, the Commission aims to forge lasting relationships with groups that can help make B.C. a better place to live.

The Commission's five-year Strategic Plan calls for a marked increase in the participation in community-initiated projects throughout B.C. Following through on that commitment, here are just a few of the events the Commission participated in or supported:

- National Aboriginal Day, June 21, 1999–*Vancouver*
- Mondo Pride Parade, August 1, 1999–*Vancouver*
- B.C. and Canadian Human Rights Commissioners Visits,
  November 23, 1999–*Prince George*
  November 25, 1999–*Kitimat*
- Anti-Racism Online Conference, February 18–19, 2000 – *Vancouver*
- Educating Against Racism Conference, March 17, 2000 – *Coquitlam*
- Celebrating Our Differences, Walk for Unity, March 18, 2000 – *Coquitlam*

Reception Brings Community and Commission Together

The Commission's 1998/99 Annual Report Reception and Showcase on September 22 at Vancouver's Robson Square was a key achievement of the last year.

While the official purpose of the reception was to launch the Annual Report and give the public an opportunity to hear about the highlights of the 1998/99 fiscal year, the event was also designed to profile the work of the Commission. The reception included information booths as well as a presentation by Justice Theatre, a courtroom drama performance presented by the People's Law School.

Based on real cases, Justice Theatre highlights the impact of discrimination and provides insight into tribunal hearings and the legal issues around discrimination. The performance was a good example of why Justice Theatre has been a standing-room only hit at the Pacific National Exhibition for the past 15 years.

In addition to the achievements of the last fiscal year, other points of discussion included the implementation of the Strategic Plan and the formation of the Human Rights Advisory Council, a body created to keep people informed about the work of the Commission and to listen to public concerns. The reception was followed by the Community Consultation on Disability Issues (see page 4).

Justice Theatre was a key part of the reception.

Case Study: Meiorin — Decision: September 9, 1999

In 1994, Tawney Meiorin took a fitness test that included a 2.5-kilometre run. The Golden, B.C. resident knew the test would be difficult. But Meiorin did not expect that she would become part of one of the most important human rights judgments of the past decade.

Because she completed the course in 11:49 and not the required 11 minutes, Meiorin lost her job as a forest firefighter with the B.C. Ministry of Forests. But the end of her job was only the beginning.

Meiorin challenged her dismissal, arguing that the fitness test is discriminatory because women do not have the same physical capabilities as men. The case went before the B.C. Court of Appeal, which found that the fitness test was a valid measure of the physical requirements of the job and that lowering the

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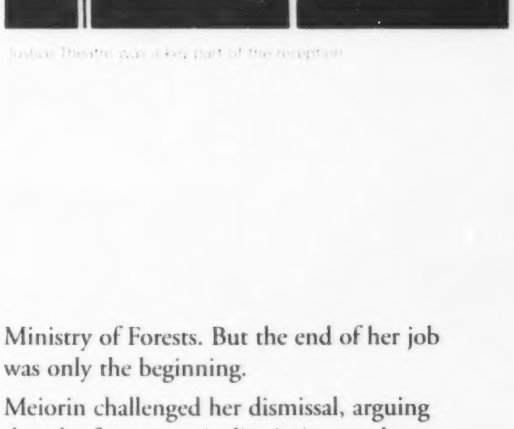

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Human Rights from a B.C. Perspective:
The 1999 public opinion survey

Working towards the elimination of discrimination and strengthening human rights requires an in-depth understanding of the experiences and attitudes of people living in B.C.

That need for a better understanding prompted the Commission to hire CV Marketing Research to learn the views of B.C. residents on a variety of issues. The results of the survey of 603 residents from all over the province has helped make the Commission's initiatives more effective and relevant.

The survey provides a great deal of useful information, including that British Columbians are least tolerant of gay, lesbian and transgendered individuals. It's a fact the Commission has taken into account as it develops education programs and pursues changes to the *B.C. Human Rights Code.*

The Commission has been using the survey results to properly target all of its education efforts and resources, as well as to research whether or not people are accessing the Commission's services.

The survey's points of interest include:

- The majority of British Columbians have above-average tolerance for other people;
- People are more tolerant of those who are older or younger than themselves than they are of people who are gay, lesbian or transgender;
- Two-thirds said they would not know where to file a human rights complaint;
- 71 per cent of respondents from the Northcoast/Nechako/Northeast said they did nothing when they experienced discrimination. Overall, 54 per cent of respondents said they did nothing;
- 69 per cent had heard of the B.C. Human Rights Commission; 62 per cent had heard of the *Code*; and
- 76 per cent of respondents said the Human Rights Commission is very important to B.C.

How were people discriminated against? Respondents explained:

- "Being a woman in the workplace."
- "For being a gay Native."
- "I was fired because I was pregnant."
- "I was denied employment for being over fifty-five."
- "I could not be on the school sports team because I am female."
- "For being a single mother."
- "It was about my religious background and race."
- "For being third generation oriental."
- "I am a biker and motels will not give me a room."

Ian Hinksman from the B.C. Aboriginal Network on Disability Society makes a comment at the media conference releasing the public opinion survey

How did you respond to the discrimination? People said:

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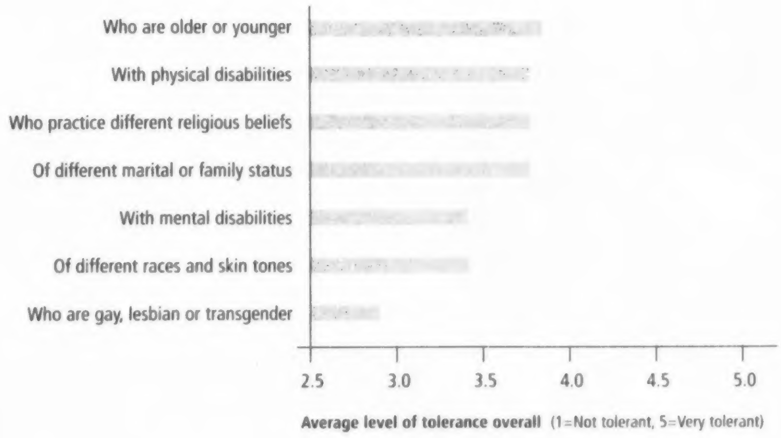
- "I showed them that I could do the job."
- "My parents and I fought the bank until I received a loan."
- "There is not much you can do if the guy does not want to shake your hand because of your skin color. All you can do is shrug your shoulders."
- "I did nothing because I did not know where to go."
- "I joined a support group."
- "I never returned to those stores that treated me rudely."

Average level of tolerance for people in British Columbia



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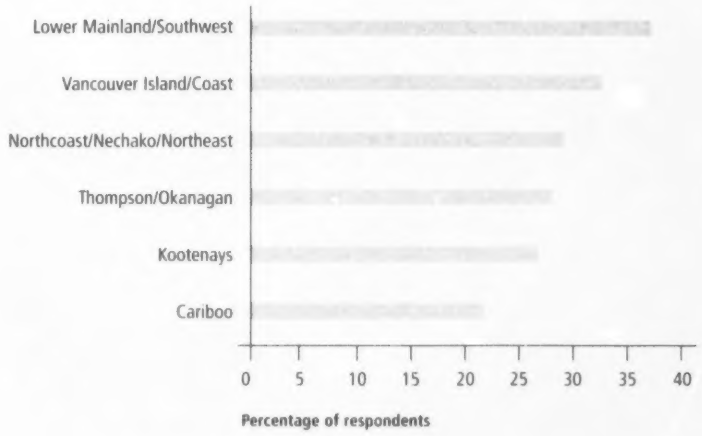

standard would amount to "reverse/adverse effect discrimination."

Meiorin's union, the B.C. Government and Service Employees Union, appealed the decision. The B.C. Human Rights Commission intervened in the appeal, arguing that:

- mandatory employment testing that results in unintentional adverse effect discrimination violates human rights law; and
- accommodating a member of a disadvantaged group does not amount to "reverse discrimination".

On September 9, 1999 – more than five years after Meiorin lost her job – the Supreme Court of Canada struck down the B.C. Government's fitness standards in a landmark decision ruling that the notion of reverse discrimination has no place in human rights law.

The decision means that employers across the country have to ensure that standardized tests are free from barriers that may lead to discrimination on the basis of sex or any other prohibited ground of discrimination (For more information about this case, see "Duty to Accommodate," page 7).

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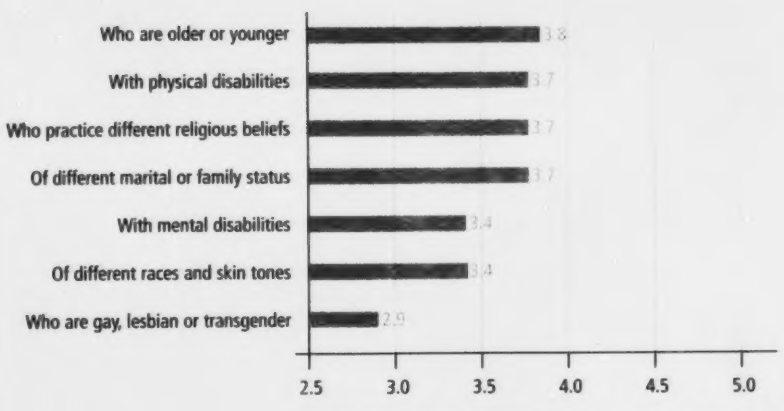

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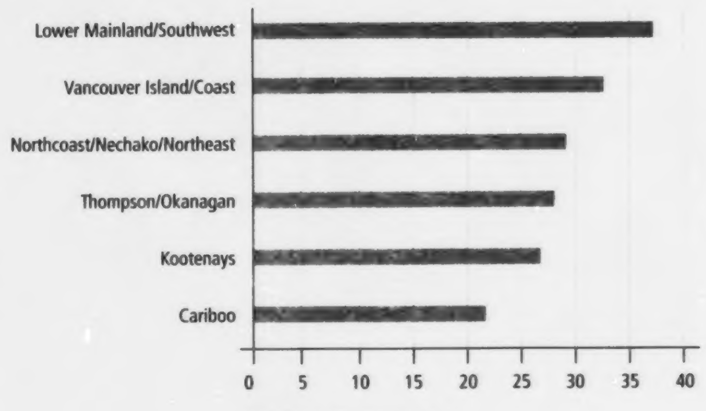

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Education and Communication Program Report

The best way to eliminate discrimination is to stop it before it starts, making the Education and Communication Program essential to achieving the human rights mandate of the Commission. In 1999/2000, the program concentrated on giving people and community groups the tools and resources necessary to help create a society where everyone is treated equally and with respect.

One of the highlights of the 1999/2000 fiscal year was the public opinion survey, the results of which affected every Commission program because it provided access to the opinions and experiences of a broad cross-section of British Columbians. The survey's insights may have had the greatest impact on the Education and Communication Program.

"This information is invaluable because it allows us to hear from people that the Commission often has a hard time reaching," notes Wilma Clarke, the Manager of the Education and Communication Program. "If you are going to work with people from a wide variety of backgrounds and areas, you need to know what they're thinking and what their experiences are."

In particular, the survey showed that people living in regions outside the Lower Mainland and Victoria experienced high rates of discrimination and, in contrast, had a low level of awareness about the Commission and human rights processes. The findings provide some insight into why the Commission receives a relatively low number of complaints from these regions.

To overcome this geographical barrier, the program has its sights set on reaching out to communities outside the Lower Mainland. The Commission is working with local community groups to form long-term relationships that empower people to make a difference at the community level.

For the 17th consecutive year, the Education and Communication Program targeted youth through its annual Visual and Language Arts Program. In 1999/2000 (in recognition of the United Nations Year of Older Persons) participating youth had the opportunity to work with older persons and learn the human rights issues faced by both groups. (See "Visual and Language Arts Program: Coming Together", page 5).

One priority for the program's communication efforts is the Commission's Aboriginal Outreach Program. Launched in 1998 with the premiere of the *Human Rights, My Rights: A Video for Aboriginal People*, the work continued in 1999/2000 with a conference held in partnership with the Sto:lo Nation (see "Aboriginal Community", page 5).

Clarke explains that working on important initiatives such as the Sto:lo Nation Human Rights Conference encourages the Commission's staff to carefully examine and evaluate its approaches. Generic solutions simply do not provide long-term success when working with groups from diverse cultural backgrounds, with different experiences and expectations. The Commission is striving to find ways to work with community partners to create outreach strategies that are meaningful to its target audiences.

"Moving Forward Together is a fitting theme for the 1999/2000 annual report because teamwork both with the community and internally has been the foundation for all of our work in the past year," says Clarke. "The only way the people of our province can move forward is by working together to discover the common bonds that keep us together instead of driving us apart."

Community Consultation on Disability Issues

Discrimination due to physical disability is one of the most common grounds for complaints to the Commission. Whether they are looking for a job or a place to live, people with physical disabilities face barriers, both physical and social, that at times seem insurmountable.

By working together, however, community groups and the Commission can help bridge that gap. In September 1999 the Commission met with key community groups to put together a number of strategies to address the discrimination people with disabilities experience on a daily basis.

One of the initial steps was to hold a media conference to increase public awareness of issues, an event held in partnership with the B.C. Coalition of People with Disabilities, B.C. Association for Community Living, B.C. Paraplegic Association and B.C. Aboriginal Network on Disability Society. The media conference was part of the Commission Reception at Robson Square in Vancouver on September 22, 1999, which also saw the launch of the 1998/99 annual report. The event highlighted the key issues of discrimination experienced by people with disabilities, including building codes, denial of public services, fear of losing Canadian Pension Plan benefits if employed and access to health care.

Following the news conference, 50 people participated in a half-day community consultation where there were more discussions about the experiences of people with physical disabilities.

Additional issues raised included:

- Paying more money for fuel at gas stations because they are unable to self-serve.
- Audible pedestrian signs are not at every traffic light.
- The Human Rights Commission complaint process has a systemic bias against people with disabilities.
- Government workers who are deaf or have disabilities are not in positions of power.
- People with learning disabilities are often not accepted by or cannot apply to education institutions.
- If people leave government-funded home care, they lose their subsidy.
- The definition of disability in provincial legislation is not clear.
- People with guide dogs are refused taxi service.

While Commission staff and others in attendance learned much at the event, participants also gained a better understanding of the common challenges that many people with disabilities face and the need for them to address these challenges together.

Pam Horton, the President of the B.C. Coalition of People with Disabilities, says the event was significant for many reasons. "It was an important acknowledgement that the majority of complaints to the Commission are disability related," Horton says. "However, it was also significant because it brought people together with such a wide range of disabilities to talk about their issues – many of which we all have to confront."

The information gained during the community consultation on disability issues was put to immediate use by the Public Interest Program, which has conducted two research reports further examining some of the key issues raised. The reports will be available from the Commission during 2000/2001.

Decision: October 15, 1999

Leslie Ferris is a transsexual woman who worked as a call-taker in a taxi dispatch office for more than 10 years. In that time, she used the women's washroom without incident.

In 1995, following an anonymous complaint about Ferris' use of the women's washroom at work, a meeting was held between her employer and the Office and Technical Employees Union Local 15. Ferris wasn't informed of the meeting.

The employer reprimanded Ferris for failing to attend the meeting, and Ferris became emotionally distraught and quit her job. Later, the reprimand was retracted and Ferris was "accommodated" and given the option of continuing to use the women's washroom if she knocked and announced herself. If someone objected, she was to wait until they left. If this wasn't acceptable, the union offered to request that everyone use the key and lock the door.

Ferris was hospitalized as a result of the anxiety caused by these events and never returned to work. She filed a complaint alleging her employer and the union discriminated against her with respect to employment because of her sex and/or because of disability. After a hearing that proceeded only against the union, she was awarded damages for lost wages and $5,000 for injury to dignity.

In October 1999, the separate and independent Tribunal ruled that Ferris' complaint was justified, that the union violated the *B.C. Human Rights Code* by condoning the employer's handling of the anonymous complaint and because of its implicit characterization of Ferris as a problem employee who required accommodation.

The Commission, aware of the marginalization experienced by members of the transgendered community, supported Ferris' position that the *Code* requires transsexual women be treated equally and with dignity.

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Clarke explains that working on important initiatives such as the Sto:lo Nation Human Rights Conference encourages the Commission's staff to carefully examine and evaluate its approaches. Generic solutions simply do not provide long-term success when working with groups from diverse cultural backgrounds, with different experiences and expectations. The Commission is striving to find ways to work with community partners to create outreach strategies that are meaningful to its target audiences.

"Moving Forward Together is a fitting theme for the 1999/2000 annual report because teamwork both with the community and internally has been the foundation for all of our work in the past year," says Clarke. "The only way the people of our province can move forward is by working together to discover the common bonds that keep us together instead of driving us apart."

Community Consultation on Disability Issues

Discrimination due to physical disability is one of the most common grounds for complaints to the Commission. Whether they are looking for a job or a place to live, people with physical disabilities face barriers, both physical and social, that at times seem insurmountable.

By working together, however, community groups and the Commission can help bridge that gap. In September 1999 the Commission met with key community groups to put together a number of strategies to address the discrimination people with disabilities experience on a daily basis.

One of the initial steps was to hold a media conference to increase public awareness of issues, an event held in partnership with the B.C. Coalition of People with Disabilities, B.C. Association for Community Living, B.C. Paraplegic Association and B.C. Aboriginal Network on Disability Society. The media conference was part of the Commission Reception at Robson Square in Vancouver on September 22, 1999, which also saw the launch of the 1998/99 annual report. The event highlighted the key issues of discrimination experienced by people with disabilities, including building codes, denial of public services, fear of losing Canadian Pension Plan benefits if employed and access to health care.

Following the news conference, 50 people participated in a half-day community consultation where there were more discussions about the experiences of people with physical disabilities.

Additional issues raised included:

- Paying more money for fuel at gas stations because they are unable to self-serve.
- Audible pedestrian signs are not at every traffic light.
- The Human Rights Commission complaint process has a systemic bias against people with disabilities.
- Government workers who are deaf or have disabilities are not in positions of power.
- People with learning disabilities are often not accepted by or cannot apply to education institutions.
- If people leave government-funded home care, they lose their subsidy.
- The definition of disability in provincial legislation is not clear.
- People with guide dogs are refused taxi service.

While Commission staff and others in attendance learned much at the event, participants also gained a better understanding of the common challenges that many people with disabilities face and the need for them to address these challenges together.

Pam Horton, the President of the B.C. Coalition of People with Disabilities, says the event was significant for many reasons. "It was an important acknowledgement that the majority of complaints to the Commission are disability related," Horton says. "However, it was also significant because it brought people together with such a wide range of disabilities to talk about their issues – many of which we all have to confront."

The information gained during the community consultation on disability issues was put to immediate use by the Public Interest Program, which has conducted two research reports further examining some of the key issues raised. The reports will be available from the Commission during 2000/2001.

Case Study: Ferris   Decision: October 15, 1999

Leslie Ferris is a transsexual woman who worked as a call-taker in a taxi dispatch office for more than 10 years. In that time, she used the women's washroom without incident.

In 1995, following an anonymous complaint about Ferris' use of the women's washroom at work, a meeting was held between her employer and the Office and Technical Employees Union Local 15. Ferris wasn't informed of the meeting.

The employer reprimanded Ferris for failing to attend the meeting, and Ferris became emotionally distraught and quit her job. Later, the reprimand was retracted and Ferris was "accommodated" and given the option of continuing to use the women's washroom if she knocked and announced herself. If someone objected, she was to wait until they left. If this wasn't acceptable, the union offered to request that everyone use the key and lock the door.

Ferris was hospitalized as a result of the anxiety caused by these events and never returned to work. She filed a complaint alleging her employer and the union discriminated against her with respect to employment because of her sex and/or because of disability. After a hearing that proceeded only against the union, she was awarded damages for lost wages and $5,000 for injury to dignity.

In October 1999, the separate and independent Tribunal ruled that Ferris' complaint was justified, that the union violated the *B.C. Human Rights Code* by condoning the employer's handling of the anonymous complaint and because of its implicit characterization of Ferris as a problem employee who required accommodation.

The Commission, aware of the marginalization experienced by members of the transgendered community, supported Ferris' position that the *Code* requires transsexual women be treated equally and with dignity.

Visual Language and Arts Program:
Coming Together

What does an 82-year-old woman with a love for bingo have in common with a skateboard-toting teen?

First, both suffer from stereotypes – many of which are much more damaging than the two mentioned above. While young and older persons are often separated by society's institutions, the two groups share one issue in particular: discrimination based on age. From denial of service to employment issues, age is often the underlying reason for prejudice in our society.

The Commission's 1999 Visual and Language Arts Program tackled this subject under the slogan "Coming Together" in honour of the United Nations International Year of Older Persons and its "A society for all ages" theme. The poster (right) shows how societal barriers separate people of different ages and encourages people to discover the benefits that can come from the interaction between the generations, while the resource guide includes information about human rights as well as project ideas and guidelines. The package was sent to more than 2,000 schools and community centres, generating human rights activities throughout the province.

The conference brought people of all ages together

The Coming Together program peaked with a conference in Burnaby that focused on the issues faced by both the young and older persons. The conference was held in partnership with the Generation Connection Society, an organization dedicated to increasing understanding and respect between people of different ages.

"We got involved in this program to encourage youth and older persons to develop new perceptions and more positive attitudes towards one another and to help eliminate stereotypes," says Maria Pettersen of the Generation Connection Society.

Over 200 people attended the conference, participating in theatre, art and discussions. It was a structure that gave people of different ages an opportunity to learn from each other and have positive interactions. The conference also included presentations on topics such as stereotyping in the media and the discrimination experienced by gays and lesbians of different ages.

The "Coming Together" poster is available from the Commission.

Reaching Out to the Aboriginal Community

To B.C.'s Aboriginal peoples, discrimination is nothing new. First Nations peoples have long been subject to prejudice, discrimination and violence – feelings that became entrenched in federal and provincial laws. Aboriginal people have also been subjected to extreme forms of systemic racism, much of which stems from the *Indian Act* – a federal piece of legislation that prohibited farming, traditional ceremonies and, until 1960, voting in elections.

In contrast to the *Indian Act*, the *B.C. Human Rights Code* provides an avenue to address and prevent discrimination experienced by members of the First Nations since Western European traders and settlers first arrived in the Pacific Northwest.

The Commission is working with community partners to ensure that discrimination against all people, including First Nations persons, is eliminated and that every single person enjoys full rights and privileges in B.C.'s communities and workplaces.

The Commission's 1999/2000 Aboriginal Outreach Program included participation in the Sto:lo Nation Human Rights Conference, an event organized by the Sto:lo Nation and the Human Rights Watch Committee. The event was designed to confront the injustices of the past, such as the residential schools, and address current systemic barriers for Sto:lo youth that lead to high drop-out rates and other social injustices.

The one-day conference, held on October 11, 1999 in Mission for members of the Sto:lo Nation and organizations working with it, discussed how to use the education system to address racism, women's issues and the role of both the Canadian and B.C. human rights commissions in eliminating discrimination.

The Commission sees the Sto:lo Human Rights Conference as the first in a series of activities that will make extensive contact with B.C.'s diverse Aboriginal community to help them use the *B.C. Human Rights Code* and the Commission to fight and prevent discrimination.

Case Study: Miele

Decision: February 7, 2000

On a September evening in 1993, Vincent Miele decided to go to a movie. When he got to the Capital 6 Theatre in Vancouver, Miele, who uses a wheelchair as a result of a spinal cord injury, was required to use a separate, locked entrance to the theatre.

He filed a human rights complaint alleging that the theatre's policy of allowing persons with mobility-related disabilities to enter the theatre only through the locked and unstaffed Seymour Street entrance was discriminatory. He also complained about being required to go to the theatre's Granville Street door to buy a ticket before entering on Seymour Street.

In February 2000, the B.C. Human Rights Tribunal ordered the theatre to reopen and staff the Seymour Street entrance to allow all patrons, including those with disabilities, to enter the theatre in the same way. Famous Players Inc. was also ordered to pay Miele $4,000 for infringing on his independence and dignity.

The B.C. Human Rights Commission is pleased with the Tribunal's decision and hopes that all businesses and service providers will take the steps necessary to give everyone equal access to their services.

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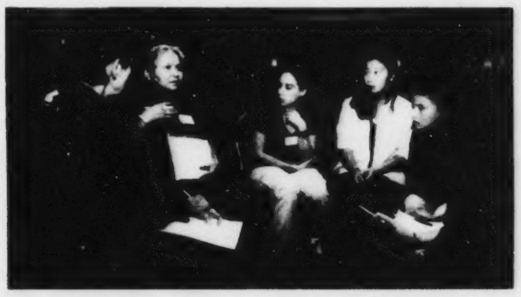
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Harinder Mahil Deputy Chief Commissioner

Public Interest Program

Everyone with an interest in human rights wants the Commission to have a meaningful impact, making the work of the Public Interest Program integral to its overall success.

Not only do the human rights rulings and decisions change the lives and practices of those people directly involved, there is a ripple effect that allows the actions of the Public Interest Program to touch the lives of people throughout British Columbia.

The mission of the Public Interest Program, headed by Deputy Chief Commissioner Harinder Mahil, is to eliminate discrimination and further the purposes of the *B.C. Human Rights Code*. The program achieves this by working closely with community partners that share the Commission's vision of creating a more equitable society.

The Deputy Chief Commissioner, who participates in hearings before courts and tribunals to promote equality and strengthen human rights, became a party to 38 complaints during the past fiscal year, 11 of which proceeded to the hearing stage. Mahil also became a party to 14 other complaints that were already at the hearing stage. While the numbers are similar to previous years, the individual decisions of the past year were some of the most important in the history of the Commission and human rights in Canada.

In Meiorin (see page 2), the Supreme Court of Canada removed the distinction between direct and indirect discrimination. The Court's decision requires employers to accommodate, to the point of undue hardship, the characteristics of individual employees when setting workplace standards and to take a strict approach to exemptions to the duty not to discriminate. "The Court's decision will affect people for many years to come," Mahil explains. "It is the most significant human rights decision the court has made in the past 10 years because it goes a long way in protecting people from discrimination in the workplace."

Grismer v. British Columbia (see "Supreme Court", page 7), another Supreme Court of Canada decision, protects people with disabilities from discrimination in the service sector. In this case, a man was refused a driver's licence because of a blanket policy for people with his specific vision disability. The Court ruled that the Superintendent of Motor Vehicles failed to justify the policy and should have accommodated the complainant. Specifically, the Superintendent was obliged to give the complainant an opportunity to prove through an individual assessment whether or not he could drive safely.

Mahil is pleased with the Commission's successful participation in both cases because of the lasting effect the rulings will have on human rights in Canada. "We were able to make a difference and change the legal landscape," Mahil explains. "These rulings show that when you make assumptions about people and their abilities, those assumptions can become barriers."

Eliminating barriers is also a theme of the research and consultation activities of the Public Interest Program. Mahil and the Program have established relationships with a number of community organizations and human rights advocates to stay in touch with the issues that are important to British Columbians.

Last year was the first time the Commission was able to carry out its own research projects. The projects will provide public officials with a better understanding of the barriers and systemic discrimination that exist in our province (see "Community Consultation on Disability Issues", page 4). The reports these projects produced include recommendations that will help create a more equal and fair society for people with disabilities.

In research, as in every other facet of the Public Interest Program, Mahil says promoting fairness is the key. "There are many groups in our society that are unaware of their rights – ranging from people who live in smaller cities and towns to people with mental disabilities. Our job is to make sure they have the same rights that many of us take for granted."

Special Programs: achieving equality in the workplace

Treating people equally by treating them differently is a key to much of the Commission's work. Special programs are designed to improve the conditions of disadvantaged individuals or groups by recognizing their unique circumstances.

The Commission supports the development of Special Programs as a key strategy in addressing and overcoming systemic discrimination.

In 1999/2000, Special Programs approval was granted to many organizations, including the following:

- Canadian Mental Health Association, Port Alberni branch received approval to restrict hiring for the janitor position to a person with a chronic mental illness;
- The Ministry of Energy and Mines received approval to give preference to visible minorities, Aboriginal people, people with disabilities and women, when hiring auxiliary staff;
- The Vancouver/Richmond Health Board received approval to hire an Aboriginal nurse to help reduce the high infant-mortality rates from Sudden Infant Death Syndrome in the Vancouver East Aboriginal Community;
- BC Hydro received approval for an Aboriginal Internship Program;
- Esquimalt City Police received approval to hire Aboriginals, visible minorities and women;
- The Ministry of Environment, Lands and Parks received approval to restrict hiring to 16-to-24 year olds for projects sponsored by its Environment Youth Team; and
- The Ministry of Agriculture and Food received approval of its program to give preference when hiring auxiliary staff to visible minorities, Aboriginal people, people with disabilities and women.

Settled: December, 1999

Early involvement by the Public Interest Program in complaints of discrimination can often lead to the implementation of important systemic change, and help to further public education about the *B.C. Human Rights Code*.

For example, after being added as a party to a complaint involving an allegation of race discrimination against a school board, the Deputy Chief Commissioner worked with the other parties to achieve a settlement that requires all those involved in that board's International Student and Homestay program to know about and commit to complying with the *Code*.

The Board's International Student and Homestay Program provides international students who wish to be educated in B.C. schools with a family environment in which to live while studying in Canada. The complaint against the board was filed by a member of the Fijian-Canadian community alleging the board rejected her family at the request of a student who wished to be placed with a Caucasian family.

The resolution, which means that no investigation or hearing is necessary, includes a number of important initiatives that will make sure that other families will not be rejected on the basis of discriminatory criteria. In particular, the school board agreed:

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Case Study: School Board **Settled:** December, 1999

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Supreme Court Decisions

Human rights issues were at the forefront of decisions made by the Supreme Court of Canada during 1999/2000. The Commission intervened in two cases before the Supreme Court of Canada and acted as an appellant in a third. The Court's decisions in these two cases made national headlines and have resulted in an entirely new direction for human rights in Canada.

The first case arose when Tawney Meiorin lost her job as a forest firefighter in 1994 because she failed the aerobic component of a physical fitness test. Meiorin challenged the decision, arguing that the test had a discriminatory effect on women. The Court agreed and, in a landmark ruling that clarifies the law in cases of discrimination in employment, ordered that Meiorin be given back her job (see "Meiorin," page 2).

Previously, a distinction was drawn between "direct" discrimination, which clearly differentiates on prohibited grounds, and "adverse effect" discrimination, which arises where seemingly neutral requirements have a discriminatory consequence. The justification for having a discriminatory rule depended on the type of discrimination at issue. With the Meiorin decision, this has changed (see "Duty to Accommodate," below).

As Supreme Court Justice Beverley McLachlin confirms in the unanimous decision, "the essence of equality is to be treated according to one's own merit, capabilities and circumstances." Consequently, the new approach requiring that differences be accommodated to the point of undue hardship in every case is a significant step forward in human rights.

The Court issued another unanimous decision in *Terry Grismer v. BC Superintendent of Motor Vehicles*. This decision, released on December 16, 1999, confirmed that the new unified approach established in the September Meiorin ruling applies to discrimination in all areas, and is not limited to employment.

Terry Grismer, a mining truck driver, lost almost all of his left-side peripheral vision in both eyes after suffering a stroke in 1984. He filed a complaint with the former B.C. Council of Human Rights because of the superintendent's refusal to give him a driver's licence based on a blanket policy not to license individuals with his disability. The Council found the superintendent had discriminated against Grismer because of his disability. Following a judicial review, the B.C. Court of Appeal overturned the Council's decision. Grismer's estate filed an appeal of the court's decision, in which the BC Human Rights Commission intervened.

In the ruling, Supreme Court Justice Beverley McLachlin wrote: "...those who provide services subject to the *B.C. Human Rights Code* must adopt standards that accommodate people with disabilities where this can be done without sacrificing their legitimate objectives and without incurring undue hardship."

The final matter, the Commission's appeal in *Robin Blencoe v. British Columbia Human Rights Commission* was argued before the Court on January 24, 2000. Judgment in this case, which will clarify whether section 7 of the *Canadian Charter of Rights and Freedoms* applies to human rights proceedings, is expected in the fall of 2000.

Commission Legal Officer Deirdre Rice represented the B.C. Human Rights Commission before the Supreme Court of Canada

Amendments to the Human Rights Code

On September 30, 1999, small amendments were made to the *B.C. Human Rights Code*. These amendments, which affect sections 30(1), 31, 34(3), 35, 36(2) and 41 and add section 38.1 to the *Code* have not yet been incorporated in the consolidated version of the *Code* that is found on the Commission's web site. The amendment to section 41 deletes the reference to "organization or group," and substitutes "organization or corporation." The remaining amendments deal with procedural matters in proceedings before the Tribunal. Of particular significance, the Tribunal has been given greater flexibility to deal with issues at the pre-hearing stage.

For a text of the amendments, see the *Miscellaneous Statutes Amendment Act* (No. 3), 1999, S.B.C. 1999, c. 39 (Bill 97), available on the Province of British Columbia web site, http://www.legis.gov.bc.ca, under the heading "Legislation," subheading "Provisions in Force: 1999 Session."

Duty to Accommodate: Supreme Court decision gives greater access to employment options and services

As stated in the Public Interest Program Report, the Supreme Court of Canada's decision on Meiorin eliminates the distinction between the direct and adverse effect of discrimination. The court set out a three-stage process by which an employer can test if its rules are justified under the *Code*.

In the Grismer decision, the Court further confirmed that the rules are only defensible if:

1. The rule(s) were adopted for reasons connected to the function being performed;
2. The rule(s) were adopted in good faith, in the belief that it is necessary for the fulfillment of the legitimate purpose or goal; and
3. The rule(s) were reasonably necessary to accomplish their purpose or goal, meaning that the employer cannot accommodate people with the characteristics of the claimant without incurring undue hardship.

1. To clearly state its commitment to the *B.C. Human Rights Code* in materials developed for the International Student Program and set out its policy of not tolerating discrimination on the basis of any ground in the *Code*;
2. To ensure that all those involved in the Program are aware of the Board's commitment to non-discrimination, and to require that international students and their families sign, as part of the student application form for the Program, a statement in which they agree to abide by the laws of British Columbia regarding human rights and discrimination; and
3. To provide a training program to employees who work in the Program about the Board's commitment to human rights and non-discrimination, and to make reasonable efforts to provide this training to agents who work in other countries and represent and recruit international students and their families.

The Deputy Chief Commissioner is pleased with the initiatives agreed to by the school board and is confident that the board will ensure that all Homestay families will be welcomed as participants in the International Student Program regardless of their race, ethnicity, place of origin or ancestry. "Working in partnership to find appropriate resolutions to important issues like the one raised in this case is one of the most rewarding aspects of the work of the Public Interest Program," said Mahil.

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On September 30, 1999, small amendments were made to the *B.C. Human Rights Code.* These amendments, which affect sections 30(1), 31, 34(3), 35, 36(2) and 41 and add section 38.1 to the *Code* have not yet been incorporated in the consolidated version of the *Code* that is found on the Commission's web site. The amendment to section 41 deletes the reference to "organization or group," and substitutes "organization or corporation." The remaining amendments deal with procedural matters in proceedings before the Tribunal. Of particular significance, the Tribunal has been given greater flexibility to deal with issues at the pre-hearing stage.

For a text of the amendments, see the *Miscellaneous Statutes Amendment Act* (No. 3), 1999, S.B.C. 1999, c. 39 (Bill 97), available on the Province of British Columbia web site, http://www.legis.gov.bc.ca, under the heading "Legislation," subheading "Provisions in Force: 1999 Session."

Duty to Accommodate: Supreme Court decision gives greater access to employment options and services

As stated in the Public Interest Program Report, the Supreme Court of Canada's decision on Meiorin eliminates the distinction between the direct and adverse effect of discrimination. The court set out a three-stage process by which an employer can test if its rules are justified under the *Code.*

In the Grismer decision, the Court further confirmed that the rules are only defensible if:

1. The rule(s) were adopted for reasons connected to the function being performed;
2. The rule(s) were adopted in good faith, in the belief that it is necessary for the fulfillment of the legitimate purpose or goal; and
3. The rule(s) were reasonably necessary to accomplish their purpose or goal, meaning that the employer cannot accommodate people with the characteristics of the claimant without incurring undue hardship.

1. To clearly state its commitment to the *B.C. Human Rights Code* in materials developed for the International Student Program and set out its policy of not tolerating discrimination on the basis of any ground in the *Code*;
2. To ensure that all those involved in the Program are aware of the Board's commitment to non-discrimination, and to require that international students and their families sign, as part of the student application form for the Program, a statement in which they agree to abide by the laws of British Columbia regarding human rights and discrimination; and
3. To provide a training program to employees who work in the Program about the Board's commitment to human rights and non-discrimination, and to make reasonable efforts to provide this training to agents who work in other countries and represent and recruit international students and their families.

The Deputy Chief Commissioner is pleased with the initiatives agreed to by the school board and is confident that the board will ensure that all Homestay families will be welcomed as participants in the International Student Program regardless of their race, ethnicity, place of origin or ancestry. "Working in partnership to find appropriate resolutions to important issues like the one raised in this case is one of the most rewarding aspects of the work of the Public Interest Program," said Mahil.

Mary Beeching Commissioner of Investigation and Mediation

Compliance Program Report

When Kelly-Ann Speck, the former Commissioner of Investigation and Mediation, looks back at the highlights of her three-year appointment that concluded in December 1999, it's the numbers that stand out the most. "The Commission can be very proud of its record and not just in eliminating the backlog," Speck notes of the 1000 cases it inherited in 1997. Just as important to Speck, the new Executive Director of the Policy, Planning and Legislation branch of the Ministry of the Attorney General, is that the average processing time has been reduced from over three years to 12 months.

The Compliance Program handles complaints from individuals who feel they have been discriminated against, helps people resolve their disputes and conducts investigations into allegations. Finally, Compliance Program staff make recommendations about whether or not a complaint should be referred to the B.C. Human Rights Tribunal for a hearing.

The difficult task of eliminating the backlog and reducing the average processing time may have been achieved, but the work of the Compliance Program is by no means complete – especially in terms of continuing to strengthen the existing complaints process, reaching out to the community and seeking alternatives to traditional resolution systems. These are just a few of the issues Mary Beeching continues to address since taking over the position of Commissioner in January 2000.

When Beeching joined the Commission, she set out an ambitious personal orientation plan. Meetings with staff who work in every aspect of the program and reviewing recommendations from community partners has set the foundation for the program's 2000-2001 Business Plan (available from the Commission).

However, whether it's changing the complaint process or providing alternatives such as mediation, Beeching stresses that accountability, consultation and inclusive team building for managed change are essential. It is an approach that she plans to make part of every facet of the Compliance Program.

"It is critical over the next 12 months for the Commissioner of Investigation and Mediation, along with the senior management team for the Compliance Program, to focus their efforts on building strong working relationships with staff, and ensuring they have the tools they need to do their jobs. Of equal importance are ensuring the public has confidence in the existing complaints system, and establishing strong community partnerships," she says.

"My priority for the Compliance Program is to do just that," Beeching adds. "By providing strong leadership, senior management, complaints staff and community partners can build an effective team. We intend to build on the good work carried out by the previous Commissioner of Investigation and Mediation and demonstrate the leadership necessary to work co-operatively with other public sector organizations, employers and community groups. This will ensure that the necessary reforms are put in place to guarantee that British Columbians have access to a human rights system that advances equality for all and strives to eliminate all forms of discrimination."

Mediation: providing an alternative

The mediation process gives people the opportunity to avoid Tribunal hearings and work to resolve human rights issues together – with the help of Commission staff. It is often a rewarding alternative that more people are making use of.

Working against sexual harassment

A young man working as a casual on-call employee in an industrial kitchen filed a complaint that he had been sexually harassed at work. Specifically, he alleged that his co-workers subjected him to offensive and graphic sexual joking and teased him further after he objected to the joking.

The complainant found the environment at work so stressful that he continually turned down shifts for which he was called and otherwise could have worked. Eventually, he was fired because of his continued unavailability to work. The complainant filed a complaint with his union and with the B.C. Human Rights Commission.

When the Commission's human rights officer contacted the employer to notify them of the complaint, the employer was aware of the alleged sexual harassment through the union grievance. The employer intended to carry out an internal investigation, and the union had hired an independent investigator. In order to avoid duplication, the human rights officer, the union, the employer and the complainant met to discuss a strategy to address both the human rights complaint and the union grievance. Although it was agreed that a mediated settlement was the best way to resolve the complaint, both the union and the employer invited an investigation of the workplace. The human rights officer conducted an investigation with the assistance and participation of the union and the employer.

Following the investigation, which indicated a poisoned workplace environment, the employer took steps to address the situation, including updating its existing sexual harassment policy and providing extensive employee training in sexual harassment and human rights.

In addition, the employer offered the complainant his job back and compensated him for lost wages and emotional distress. The complainant did not wish to return to the workplace and was instead given a positive reference letter.

Out for lunch

An Aboriginal man ordered lunch in a Vancouver diner – however, unlike the other customers, he was asked to pay for his meal immediately. Consequently he filed a complaint of racism.

In telling her side of the story, the restaurant owner explained that she had been advised to demand payment before the meal by a security guard who happened to be in the café at the time.

The mediation process included the complainant, restaurant owner, security guard and manager of the security company. Everyone involved had the opportunity to talk about the event from their own perspective. The restaurant owner talked about the difficulties of running a business on Vancouver's Downtown Eastside; the security guard explained that he had witnessed the complainant's involvement in an altercation earlier that day; and, finally, the Aboriginal man talked about his experiences and the events that led to the scene in the café.

The complainant discussed the importance of being treated with respect and dignity as well as explaining to the group that the altercation earlier in the day happened as he was performing his own duties as a security guard at a local church.

The man accepted the apologies of the owner and the security guard – and the group concluded the process with a better understanding of the situation.

Case Study: Rogal

Decision: March 23, 2000

In March 1994, Dion Rogal applied for a job as a carnival worker with West Coast Amusements. He was interviewed and hired over the phone. During the interview Rogal gave his measurements and weight – 6'1" and 350 pounds – and was told this was not a problem.

Rogal travelled from Saskatchewan to Vancouver to start work. When he arrived, Bert Dalgliesh, an independent contractor with West Coast Amusements, told Rogal he was "too big and too heavy" for the carnival's "fast-paced lifestyle." Rogal was not hired and Dalgliesh paid his way back to Saskatchewan.

Rogal filed a human rights complaint against West Coast Amusements and Dalgliesh, alleging that his employment was terminated because of a physical disability. In British Columbia, case law has generally established that discrimination on the basis of obesity is discrimination on the basis of disability, where it can be shown that the respondent perceived the complainant to be disabled.

The Deputy Chief Commissioner became party to Rogal's complaint, advancing the position that where there is pervasive debilitating treatment of people with a particular condition such as obesity, the specific views of a respondent are not essential in establishing discrimination because of a perceived disability. It is the impact of the discriminatory action that is important, not the intent of the respondent.

In March 2000, the Tribunal awarded Rogal compensation for lost wages and expenses, but chose not to deal with the Commission's assertion that Rogal and other members of marginalized groups should be able to partially establish their cases through evidence of widespread bias. The Commission believes that there are many cases where complainants should not be required to prove that respondents perceived that they had a disability. The Commission expects to make this argument again in the future.

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BC H83 B 1999/00 c.3

Complaints Process

Maureen Shields is a Complaints Analyst at the Commission's Vancouver office.

The B.C. Human Rights Code protects against discrimination on the basis of race, colour, ancestry, place of origin, religion, marital and family status, physical and mental disability, sex, sexual orientation and age. To file a complaint, phone, fax, or write the Commission (contact information is on the back of the annual report). The complaint process is neutral and free of charge. These are the steps in the process:

Filing a complaint

When a person feels they have been discriminated against, they can contact our office to file a formal complaint. A Complaints Analyst will advise the person if their situation is covered under the protections offered by the *B.C. Human Rights Code*. If the situation is not something the Commission can help with, the Complaints Analyst will refer the person to another agency that may be able to provide assistance. If the situation is something the Commission can help with, the Complaints Analyst will tell the person how to file a complaint and discuss all the steps in the process.

Decision to investigate

Sometimes the Commission may dismiss a complaint without investigation. In most cases, once a complaint has been filed, a Human Rights Officer is assigned to mediate the complaint, or to investigate it.

Mediation

The Human Rights Officer will contact both parties to discuss how the complaint might be resolved. The Officer is available to assist parties with technical points about the settlement – but the decision to resolve the matter is up to the parties. When both parties reach an agreement to settle the complaint, the Officer creates a settlement agreement for the parties' signatures. Once a complaint is settled, the Commission closes the file and no more action is taken.

Investigation

During investigation the Officer gathers evidence by reading documents and talking to witnesses. The Officer then writes a report that summarizes the evidence and makes a recommendation to the Commissioner of Investigation and Mediation to either dismiss the complaint or refer it to the B.C. Human Rights Tribunal for a hearing. The parties see the report and recommendation and can comment or give more information before the Commissioner makes a decision. The parties are informed of the decision in writing.

Decision to proceed to Tribunal

The Commissioner of Investigation and Mediation reviews the report and the submissions and makes a decision to either dismiss the complaint, or refer it to the B.C. Human Rights Tribunal for a hearing.

Tribunal hearing

Hearings are conducted by an independent agency called the B.C. Human Rights Tribunal. When a complaint is referred to the Tribunal, the Tribunal contacts the parties and tells them what they need to do to prepare for the hearing.

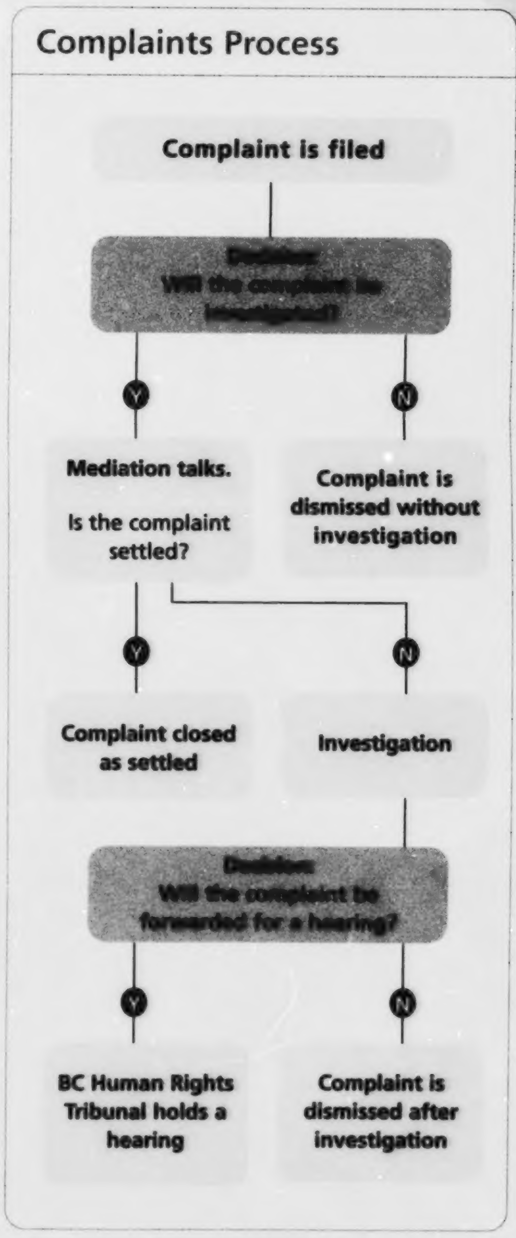
Other information about human rights complaints

During investigation and mediation, parties do not need a lawyer, but can choose to hire one at their own cost. A complaint can take approximately 12 months from the time it is filed until the decision to dismiss or refer to the Tribunal is made. A complainant can choose to withdraw their complaint at any time after the file is opened. Any decisions made by the B.C. Human Rights Commission can be appealed by Judicial Review.

Remedies

Cases that are settled or that are successful at Tribunal can result in:

- a letter of apology
- money for lost wages, expenses and hurt feelings
- attaining the apartment, service, job or whatever was denied due to discrimination
- an employment equity plan or human rights training



Case Study: Meldrum

Settled: February 1, 2000

The effects of the Meiorin case (page 2) are wide-reaching. Just ask Lorelei Meldrum.

In 1996, Meldrum filed a complaint with the Commission stating she was denied employment at Macmillan Bloedel's Somass Division because she is a woman. Specifically, the job requirements included being able to bench press 45 kilograms (100 lbs). Meldrum failed the test and was not hired.

Settlement discussions with Weyerhauser, which had since taken over Macmillan Bloedel, began soon after the Meiorin announcement. Weyerhauser's new hiring protocol includes a new fitness test that ensures minimum standards are directly related to performing the job, aptitude testing and an interview process that ensures there are no barriers to hiring women at the mill.

"It was quite rewarding to work with Weyerhauser to develop a hiring protocol – including a new fitness test that is relevant to actually doing the job," explains Deputy Chief Commissioner Harinder Mahil. It is hoped that the new protocol, including fitness tests designed by an exercise physiologist and a hiring consultant, will be adopted by other forestry operations.

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Human Rights Advisory Council Update

More community outreach, amendments to the *B.C. Human Rights Code* and a greater concentration on First Nations issues are just a few of the recommendations for the Commission from the Human Rights Advisory Council.

Established in 1998, the Council's role is to be the "eyes and ears" of the Commission by keeping the public informed, bringing human rights concerns forward and advising the B.C. minister responsible for human rights and the Commission on issues relevant to the administration of human rights process in the province. The Council consists of 11 volunteers representing various groups and regions.

The Council held six two-day meetings, providing a report with recommendations that was sent to the Attorney General and all MLAs. Public meetings held in Victoria, Vancouver, Kelowna and Prince George were instrumental in providing local insights.

A major task for the Council was to review the Commission's proposed changes to the *B.C. Human Rights Code.*

In its final report, the Council recommended that:

- the Government of B.C. give priority to the Commission's amendments to the *Code*, especially the expansion of protected grounds to include social condition and gender identity;
- there be greater representation of staff who are minorities at the Commission and as Tribunal members;
- priority be given to complaints regarding race relations;
- priority be given to situations of systemic discrimination;
- outreach, particularly outside the Lower Mainland, be improved;
- intake and administration of the *Code* be streamlined;
- training and education be a key priority of the Commission; and
- strategies be developed to address individual and systemic discrimination against First Nations peoples.

The Council is continuing to hold public meetings across the province and will be producing a second report to be presented to the Attorney General by autumn of 2000.

Staff Presentations:

Making equality part of everybody's job

Talking directly to people is one of the most powerful and effective ways to further human rights goals and work towards a more equitable society. That knowledge is a motivating factor behind the staff presentations, which is one of the Commission's most popular programs.

Through training institutions and pre-employment programs, the Commission representatives use presentations to educate people about their rights and responsibilities before they enter the workforce. In total, staff made over 80 presentations to audiences ranging in size from seven to 200.

PACE 2, a pre-employment program for single mothers on welfare, is one of the many groups that use the presentations as a way of educating clients about human rights issues. "The people we work with have led isolated lives," explains Karen Sorenson, manager of PACE 2. "The presentations by the Commission help make our clients aware of their rights and prepare them for the workforce – it's a service we're very grateful for."

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Mary-Woo Sims, Harinder Mahil, Mary Beeching, Deirdre Rice, Tom Beasley, Rosalind Currie, David Hosking, Mary Duffy, Chris Finding, Wilma Clarke, Chris Hunter, Michael Tanner, Peter Pang, Cindy Bachman, Steve Baileys, Liz Barker, Stephanie Bogaert, Alan Borden, Therese Boulard, Lynn Britton, Bill Burrill, Ron Carriere, Tina Chan, Betty Down, Ray Duggan, Rita Fayle, Pam Madsen, John Mott, Jenny Smillie, Karen Spears, Patti Steele, Peter Threlfall, Pam Wallace, Lorna Farmer, Wouter Sukkel, Diana Wright, Dan Lord, Pardeep Purewal, Marie Worden, Virginia Grimaud, Darryl Molloy, Thea Beil, Donna Hicks, Elizabeth Malbeuf, Maureen Shields, Laurie Taylor, Carol Downey-Brown, Jay Porter, Patt Bricard, Linda Shout, Robert Barlow, Rose Ackerman, Heather Meadows, Nancy Cameron, Saho Lindberg, Klodyne Rodney, Susan Chiu, Denise Stroeder, Andrew Boudreau, Cathy Byrnell, Rebekah Ell, Jennifer Mensink, Debbie White, Kelly Wilson, Martin Cuthberson

Victoria Office

Vancouver Office

Decision: May 11, 1999

Avtar Singh Dhillon waited five years to drive a motorcycle in B.C. In 1995, Dhillon was denied the right to take a novice test for a motorcycle licence because he wasn't wearing a safety helmet as required by the *Motor Vehicle Act.* Dhillon is a baptized Sikh, and his religion does not permit him to wear a helmet under or on top of his turban.

Dhillon filed a human rights complaint against the Ministry of Transportation and Highways, Motor Vehicle Branch. He argued that by not granting exemptions to Sikhs, the ministry denied him and other members of his religion who wear turbans the right to be licensed to drive a motorcycle, thereby violating the *B.C. Human Rights Code.*

In May 1999, Dhillon won his fight when the B.C. Human Rights Tribunal ruled that the marginal risks and costs associated with non-helmeted motorcycle riding are not sufficient to justify the refusal to accommodate the religious beliefs of Sikhs. Wearing a turban is a religious requirement and bona fide article of faith for members of the Sikh religion. The Tribunal has ordered the government to cease the discrimination.

The Commission supported Dhillon's position at the hearing. The *B.C. Human Rights Code* is designed to protect and ensure accommodation of the needs and interests of all British Columbians, including those with needs and interests that differ from those of the dominant majority.

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Mary-Woo Sims, Harinder Mahil, Mary Beeching, Deirdre Rice, Tom Beasley, Rosalind Currie, David Hosking, Mary Duffy, Chris Finding, Wilma Clarke, Chris Hunter, Michael Tanner, Peter Pang, Cindy Bachman, Steve Baileys, Liz Barker, Stephanie Bogaert, Alan Borden, Therese Boulard, Lynn Britton, Bill Burrill, Ron Carriere, Tina Chan, Betty Down, Ray Duggan, Rita Fayle, Pam Madsen, John Mott, Jenny Smillie, Karen Spears, Patti Steele, Peter Threlfall, Pam Wallace, Lorna Farmer, Wouter Sukkel, Diana Wright, Dan Lord, Pardeep Purewal, Marie Worden, Virginia Grimaud, Darryl Molloy, Thea Beil, Donna Hicks, Elizabeth Malbeuf, Maureen Shields, Laurie Taylor, Carol Downey-Brown, Jay Porter, Patt Bricard, Linda Shout, Robert Barlow, Rose Ackerman, Heather Meadows, Nancy Cameron, Saho Lindberg, Klodyne Rodney, Susan Chiu, Denise Stroeder, Andrew Boudreau, Cathy Byrnell, Rebekah Ell, Jennifer Mensink, Debbie White, Kelly Wilson, Martin Cuthberson

Victoria Office

Vancouver Office

Case Study: Dhillon — Decision: May 11, 1999

Avtar Singh Dhillon waited five years to drive a motorcycle in B.C. In 1995, Dhillon was denied the right to take a novice test for a motorcycle licence because he wasn't wearing a safety helmet as required by the *Motor Vehicle Act.* Dhillon is a baptized Sikh, and his religion does not permit him to wear a helmet under or on top of his turban.

Dhillon filed a human rights complaint against the Ministry of Transportation and Highways, Motor Vehicle Branch. He argued that by not granting exemptions to Sikhs, the ministry denied him and other members of his religion who wear turbans the right to be licensed to drive a motorcycle, thereby violating the *B.C. Human Rights Code.*

In May 1999, Dhillon won his fight when the B.C. Human Rights Tribunal ruled that the marginal risks and costs associated with non-helmeted motorcycle riding are not sufficient to justify the refusal to accommodate the religious beliefs of Sikhs. Wearing a turban is a religious requirement and bona fide article of faith for members of the Sikh religion. The Tribunal has ordered the government to cease the discrimination.

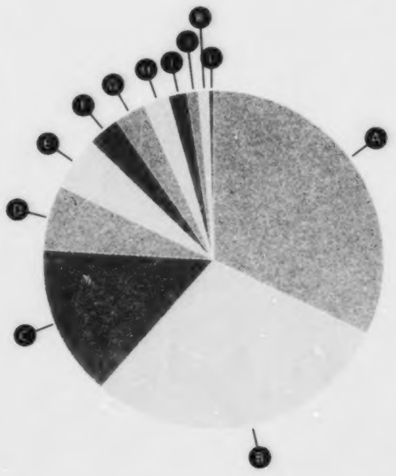
The Commission supported Dhillon's position at the hearing. The *B.C. Human Rights Code* is designed to protect and ensure accommodation of the needs and interests of all British Columbians, including those with needs and interests that differ from those of the dominant majority.

Statistics

Complaints by Region

	Region	Number*	%
A	The North	0	0.0%
B	Skeena	6	0.8%
C	Prince George Area	31	4.3%
D	Cariboo	13	1.8%
E	Squamish/Kamloops	28	3.9%
F	Okanagan	37	5.1%
G	Kootenays	15	2.1%
H	Rocky Mountains	9	1.3%
I	Lower Mainland	433	60.2%
J	Sunshine Coast	4	0.6%
K	Vancouver Island	143	19.9%
	TOTAL COMPLAINTS	**719**	

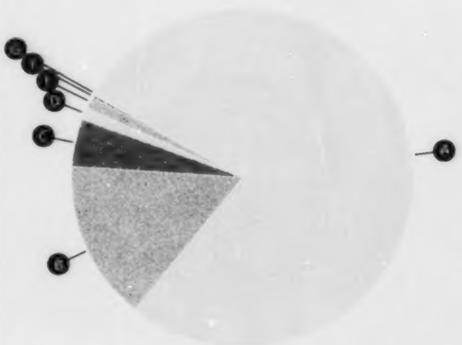
Why Complaints Were Filed



	Grounds	Number*	%
A	Sex *(Includes 133 sexual harassment complaints)*	293	32.1%
B	Mental & Physical Disability	267	29.3%
C	Race, Ancestry, Colour, Place of Origin	132	14.5%
D	Family Status	57	6.3%
E	Age	46	5.0%
F	Sexual Orientation	28	3.1%
G	Religion	27	3.0%
H	Marital Status	22	2.4%
I	Criminal Conviction	16	1.8%
J	Retaliation	10	1.1%
K	Source of Income	9	1.0%
L	Political Belief	4	0.4%

*** Total number of allegations exceeds the number of complaints filed because one case can include several grounds of discrimination.**

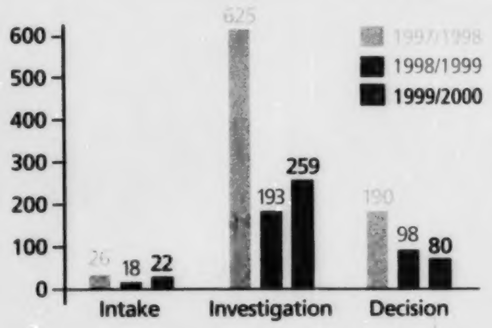
Distribution of Complaints



	Complaint Area	Number*	%
A	Employment	685	77.8%
B	Public Services	134	15.2%
C	Tenancy	40	4.5%
D	Retaliation	10	1.1%
E	Associations/Unions	10	1.1%
F	Property	2	0.2%
G	Publications	1	0.1%

*** One case can include several complaint areas.**

Median Processing Time

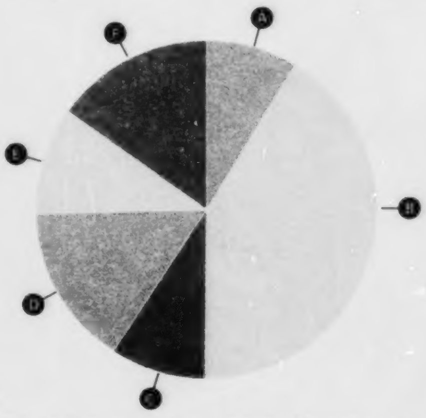


INTAKE the number of days between the case being filed to being assigned to an investigation

INVESTIGATION the number of days from being assigned to an investigator to referral to the Commissioner of Investigation for a decision

DECISION the number of days the Commissioner of Investigation or a delegate takes to review the file and make the decision

Outcomes for Complaints Closed in 99/00



	Complaint Outcome	Number*	%
A	Dismissed before investigation	106	8.7%
B	Dismissed after investigation	506	41.5%
C	Not Pursued/Dismissed	110	9.0%
D	Settled	188	15.4%
E	Withdrawn	126	10.3%
F	Referred to Tribunal	184	15.1%

*** In 1999/2000 the Commission dealt with 1,220 cases, including new cases and the remaining backlog cases.**

Resources 99/00 The Commission operated on a Budget of $4,900,000 in 99/00, and with 48.5 full time equivalent staff members.

Calendar of Human Rights Days

[illegible]
Black History Month
[illegible]
B.C. Multiculturalism Week
[illegible]
International Day for Women's Rights
[illegible]
International Day for the Elimination of Racial Discrimination
[illegible]
Prevention of Violence Against Women Week

May
Asian Heritage Month
May 21-28
National Access Awareness Week
June 21
National Aboriginal Day
July 1
Canada Day
First Sunday in August
Gay and Lesbian Pride Day
August 9
International Day of the World's Indigenous People

October 1
International Day of Older Persons
October 17
International Day for the Eradication of Poverty
November 16
UNESCO International Day for Tolerance
December 3
International Day for Disabled Persons
December 10
Human Rights Day

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E	[illegible]	[illegible]	[illegible]
F	Okanagan	[illegible]	[illegible]
G	Kootenays	[illegible]	[illegible]
H	[illegible]	[illegible]	[illegible]
I	Lower Mainland	[illegible]	[illegible]
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A	[illegible]	[illegible]	[illegible]
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C	[illegible]	[illegible]	[illegible]
D	[illegible]	[illegible]	[illegible]
E	[illegible]	[illegible]	[illegible]
F	[illegible]	[illegible]	[illegible]
G	[illegible]	[illegible]	[illegible]

* One case can include several complaint areas.

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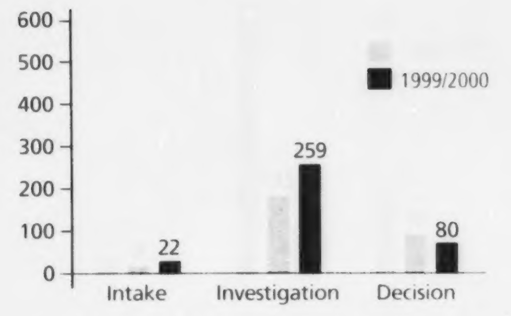

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	Complaint Outcome	Number*	%
A	[illegible]	[illegible]	[illegible]
B	[illegible]	[illegible]	[illegible]
C	[illegible]	[illegible]	[illegible]
D	Settled	[illegible]	[illegible]
E	Withdrawn	[illegible]	[illegible]
F	Referred to Tribunal	[illegible]	[illegible]

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British Columbia
Human Rights Commission

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Web Site
www.bchumanrights.org

Pour de plus amples information sur les droits humains appelez le: 1 (800) 663-0876

查詢有關人權的資料，請電 1 (800) 663-0876

For information about human rights, call 1 (800) 663-0876

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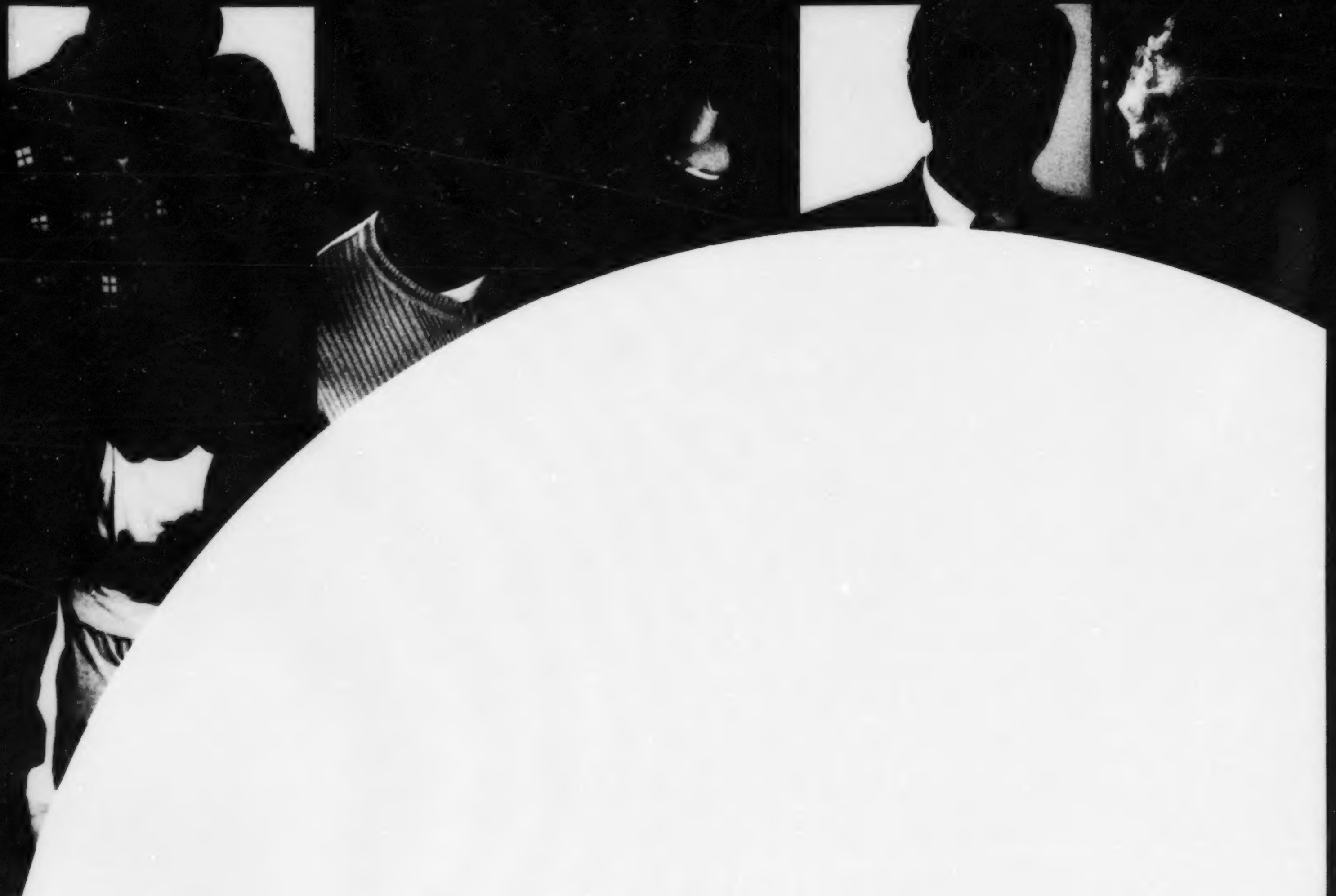
Para information sobre derechos huanos, llame 1 (800) 663-0876

British Columbia
Human Rights Commission



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